



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS, ANTILLES OFFICE  
400 FERNANDEZ JUNCOS AVENUE  
SAN JUAN, PUERTO RICO 00901-3299

Antilles Regulatory Section

## PUBLIC NOTICE

Permit Application No. SAJ-2004-8596 (IP-JCM) **SEP 28 2004**  
Joint Permit Application 610

**TO WHOM IT MAY CONCERN:** This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act, as described below:

**APPLICANT:** Mr. Epifanio Fábregas, Vice-President  
The Sembler Company of Puerto Rico, Inc.  
Consolidated Medical Plaza, Suite 306  
Box 028-201  
Gautier Benítez Avenue  
Caguas, Puerto Rico 00725

**WATERWAY & LOCATION:** The proposed project would impact Quebrada Abad. Quebrada Abad is a tributary of Quebrada Larga, which flows into Caño La Puente. Caño La Puente, in turn, discharges into the Bahía de Añasco. The proposed project site consists of an approximately 33.4-acre parcel, located at Hwy. PR-2, Km. 143, just to the southeast of the intersection between Hwys. PR-2 and PR-402, Caracol Ward, Añasco, Puerto Rico.

**LATITUDE AND LONGITUDE:** Lat. 18°18'02"N, Lon. 67°09'27"W.

**EXISTING CONDITIONS:** According to information submitted by the applicant, the proposed project site is undeveloped, with pastures and wooded areas of mostly exotic species dominating its vegetation. The Puerto Rico Environmental Sensitivity Index (ESI) Maps indicate that sensitive environmental biological resources at the subject site include the lowest reaches of Quebrada Abad. This stream traverses from the northwest corner to the southeast corner of the project site. Quebrada Abad discharges into Quebrada Larga just to the southeast of the project site. In turn, Quebrada Larga joins Caño La Puente about 1.0 km to the south of the project site. From that point Caño La Larga flows for about 3.0 km to the west, to discharge into Bahía de Añasco. The ESI Maps and the National Wetland Inventory (NWI) Maps also depict that a portion of an area of freshwater marshes is located at the southeast corner of the project site. This wetland area extends south and west towards and along Caño La Puente, connecting several streams located throughout the zone. The applicant indicated that a Wetland Jurisdictional Determination Study performed on October 2003 revealed that jurisdictional waters of the U.S. within the subject site are limited to the

bed and bank of Quebrada Abad and encompass an area of 0.93 acres. This JD study has not been submitted for the evaluation of the U.S. Army Corps of Engineers (Corps).

**PROJECT PURPOSE:**

Basic: Commercial development.

Overall: Development of a commercial shopping center, consisting of nine lots for stores and parking area, to serve the Añasco, Aguada and San Sebastián municipalities region.

**PROPOSED WORK:** The applicant proposes the realignment of an approximately 535 m long section of the Quebrada Abad channel. According to the applicant the proposed project would impact approximately 0.93 acre of waters of the U.S. As shown in the enclosed figures, the section of the Quebrada Abad channel that presently traverses through the subject site would be filled for the construction of the proposed commercial center. A new channel for Quebrada Abad would be excavated to the southwest of the existing channel. The new channel would consist of a meander-combined-section channel, which would resemble a channel within a channel system. It would include a main meandering-channel with an adjacent floodplain area. The main meandering-channel would consist of a riffle-pool complex, which would be vegetated with herbaceous wetland plants. The adjacent floodplain area would provide a single terrace at each side of the main channel. The terraces would be designed to support wetland conditions. Forested wetlands would be created within the floodplain terraces. The new channel/floodplain system would result in the creation of approximately 3.6 acres of channel area and forested wetlands. The purpose of the riffle-pool complex, as part of the proposed channel system, would be to provide adequate habitats for aquatic biota. According to the applicant, the creation of the riffle-pool complex channel and its adjoining wetlands would provide adequate minimization and mitigation for project impacts to waters of the U.S. and the aquatic environment. In addition, it would provide flood flow attenuating functions. A Hydrologic-Hydraulic study for the proposed project was evaluated and approved by the Puerto Rico Department of Natural and Environmental Resources. As depicted in the enclosed figures, the proposed project also includes the construction of a detention pond at the southeastern corner of the subject site. In addition, the proposed project includes the installation of a concrete culvert within the channel of Quebrada Abad, to provide a road crossing and access/entrance to the site from Hwy. PR-2. Said culvert would be located at the northwest corner of the site, and would have a 7.97 m length and a 3.66 m span.

The applicant provided a layout for an on-site alternative, which was considered during the planning and design of the project. Said alternative included the channeling of

Quebrada Abad through a concrete box culvert. The applicant stated that although this alternative maximized the use of the site, it was discarded because of its considerably higher environmental impacts, particularly to waters of the United States.

The applicant also presented an analysis of three alternative locations for the proposed project (see enclosed figures). As shown in the enclosed figures, the alternative sites considered are located within the project's area of service, along Hwy. PR-2. The alternative locations were discarded as non-viable or impractical for the proposed project because of their: higher costs for development, unavailability for acquisition, present occupancy and use, zoning and flooding restrictions, distance to main area of service.

**ENDANGERED SPECIES:** The ESI does not identify threatened or endangered species in the vicinity of the proposed project site. In addition, the information provided by the applicant does not indicate the potential presence of any federally listed threatened or endangered species, or critical habitat within the project area. Therefore, the USACE determines that the proposed action will have no effect on any listed species or critical habitat. This concludes consultation pursuant to Section 7 of the Endangered Species Act.

**HISTORIC and CULTURAL RESOURCES:** The ESI does not show archaeological / historical resources within the area of the project. Pursuant to 33CFR 325, Appendix C, 3.a, and 7.b, and in accordance with 36CFR 800.4(d)(1) the Corps determines that the project would not affect historic properties within the area of potential effect.

**ESSENTIAL FISH HABITAT:** This notice initiates Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposed project would impact the Quebrada Abad channel and its associated freshwater marshes. Based on the available information, the Corps initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in Puerto Rico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with NOAA National Marine Fisheries Service.

**AUTHORIZATION FROM OTHER AGENCIES:** A Water Quality Certificate from the P.R. Environmental Quality Board will be required.

**NOTE:** This public notice is being issued based on information furnished by the applicant. This information has not been verified. Comments regarding the application should be submitted in writing within 30 days from the date of this notice to:

Chief Antilles Regulatory Section  
U.S. Army Corps of Engineers  
400 Fernández Juncos Avenue  
San Juan, Puerto Rico 00901-3299

or by electronic mail to [jose.cedeno-maldonado@saj02.usace.army.mil](mailto:jose.cedeno-maldonado@saj02.usace.army.mil). Please reference application number in your correspondence. If you have any questions concerning this application, you may contact Mr. José A. Cedeño-Maldonado of this office, telephones 787-729-6905/6944, extension 3063.

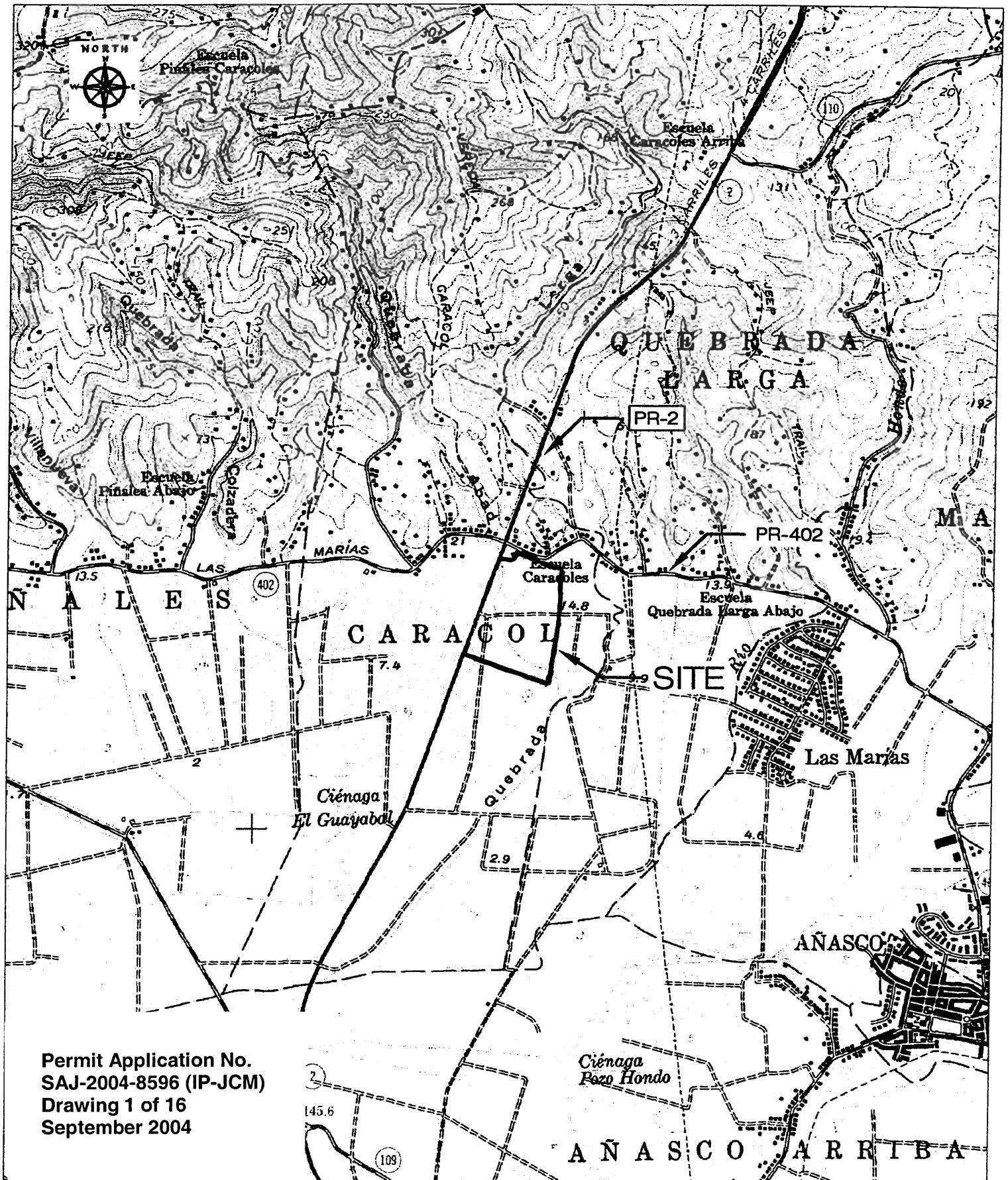


Figure 1: Proposed Project Location on a Partial Reproduction of the U.S.G.S. Topographic  
Quadrangle of Rincón  
Scale (1: 20,000)

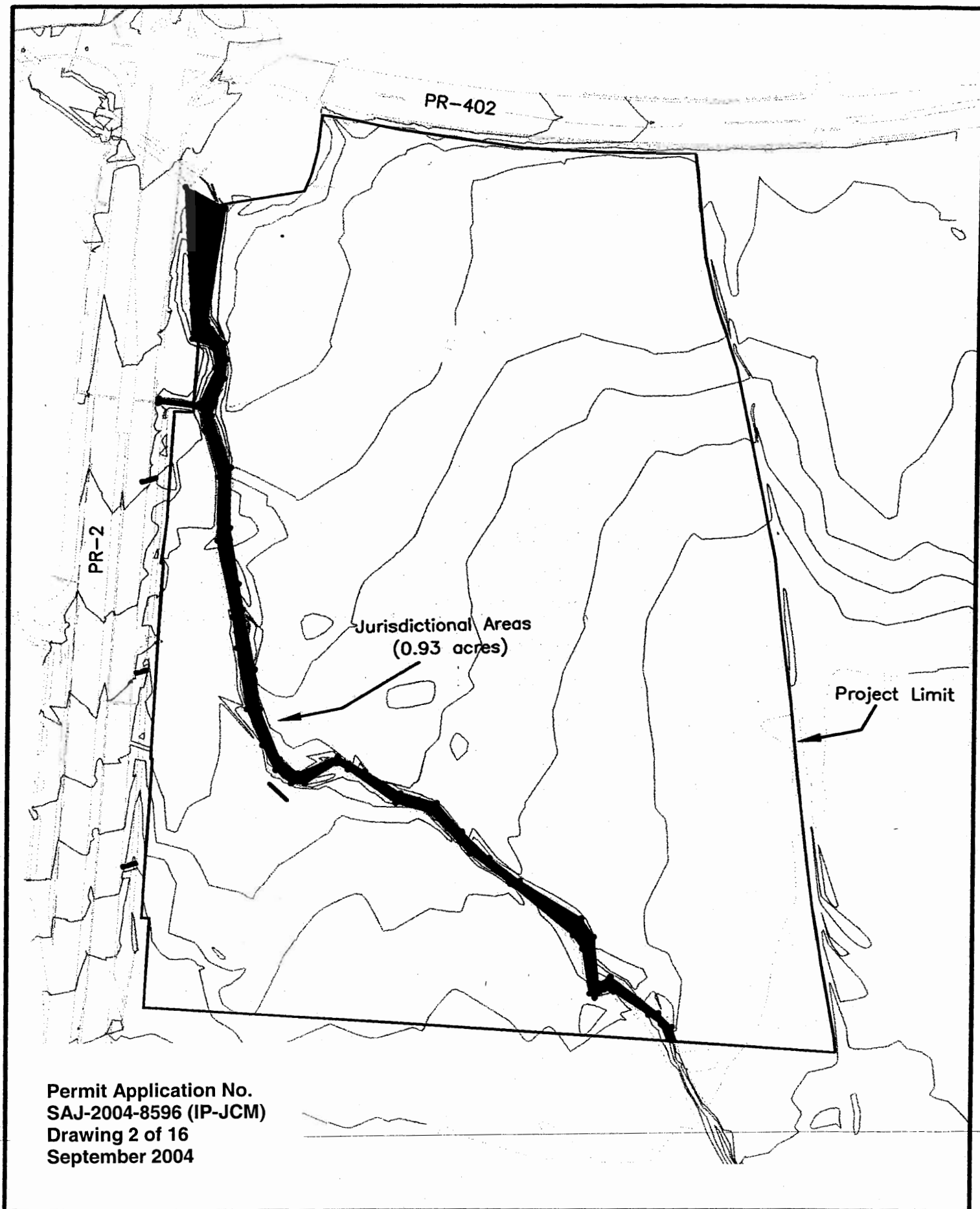


Figure 2: Jurisdictional Areas within Project Site

Scale 1:2500

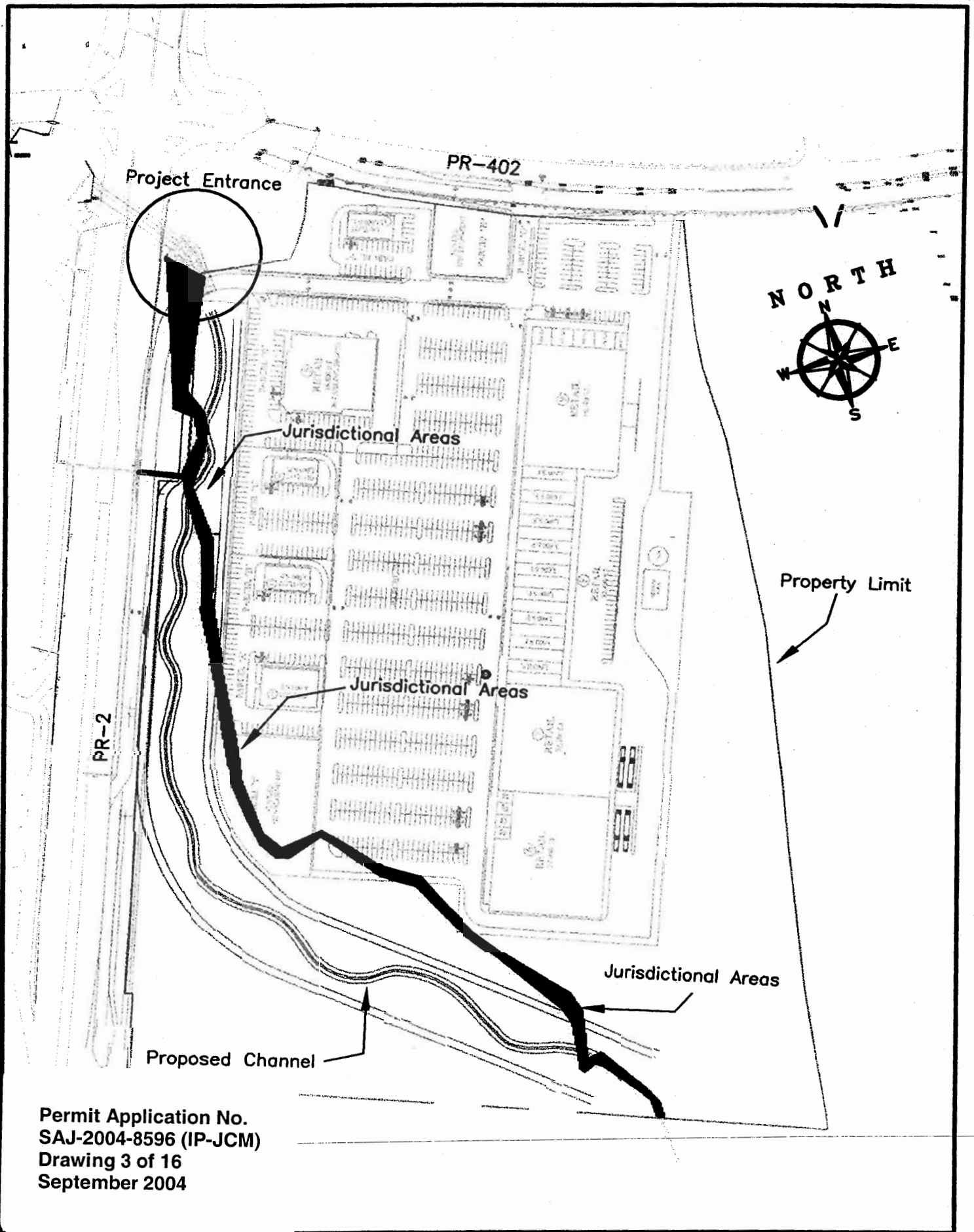
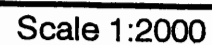


Figure 5: Jurisdictional Areas Overlaid to Project Proposed Layout

Scale 1:2500







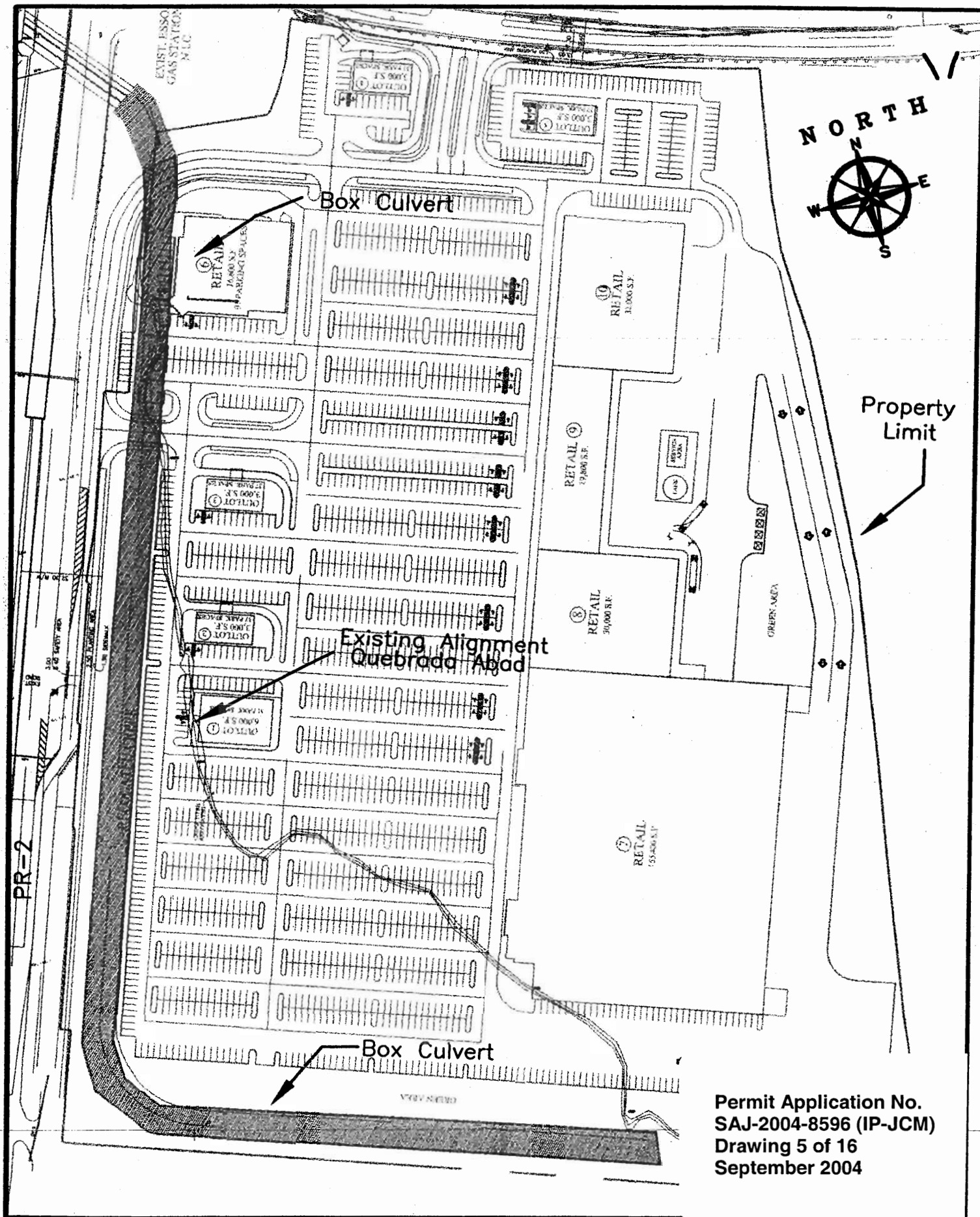


Figure 4: Alternative Project Layout Considered and Discarded

Scale 1:2000

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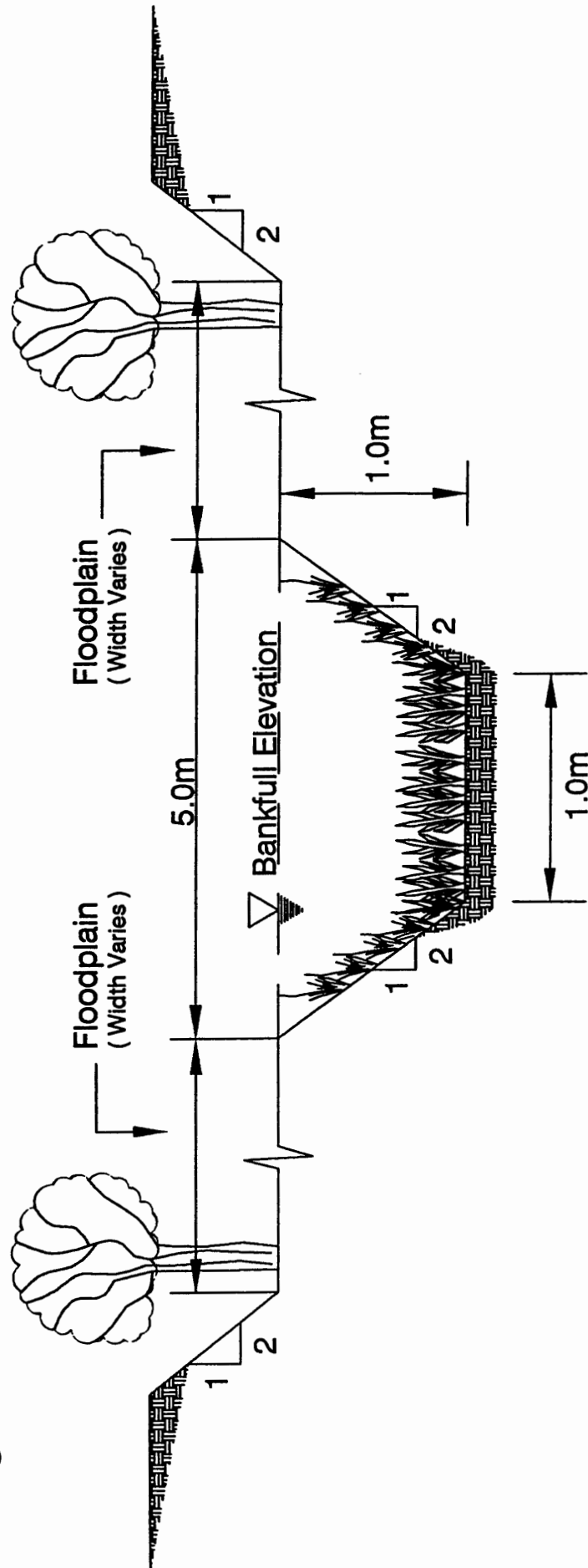
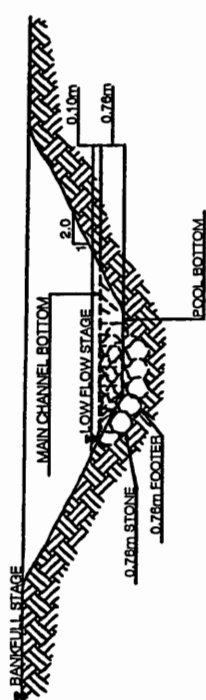
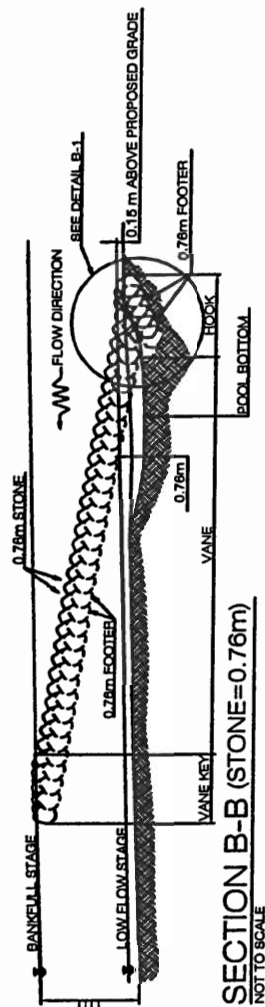


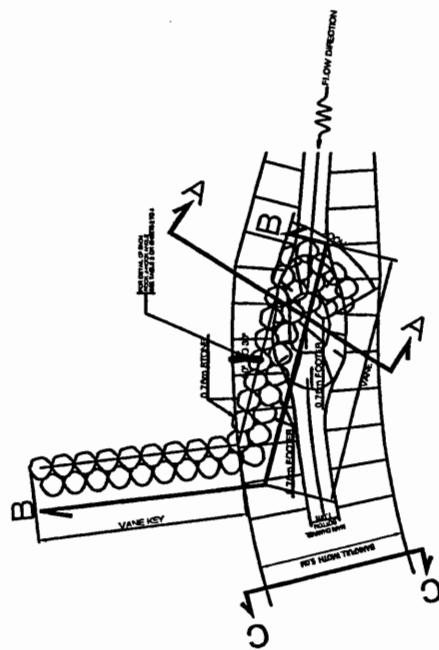
Figure 3: Schematic Design of Proposed Channel



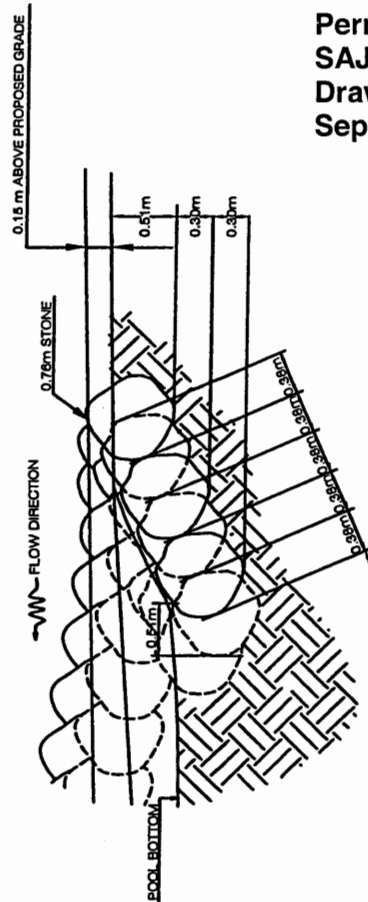
SECTION A-A (PROPOSED TYPICAL POOL) (STONE=0.76m)  
NOT TO SCALE



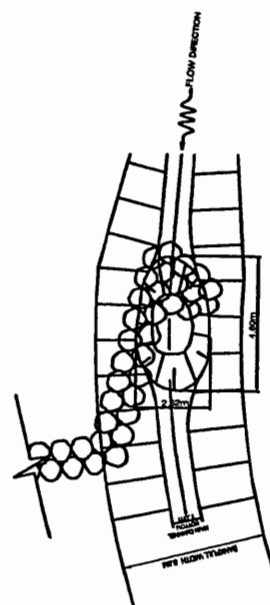
SECTION B-B (STONE=0.76m)  
NOT TO SCALE



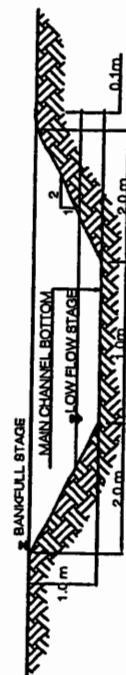
TYPICAL J-HOOK PLAN VIEW FOR STONES = 0.76M  
NOT TO SCALE



DETAIL B-1 (STONE=0.76m)  
NOT TO SCALE



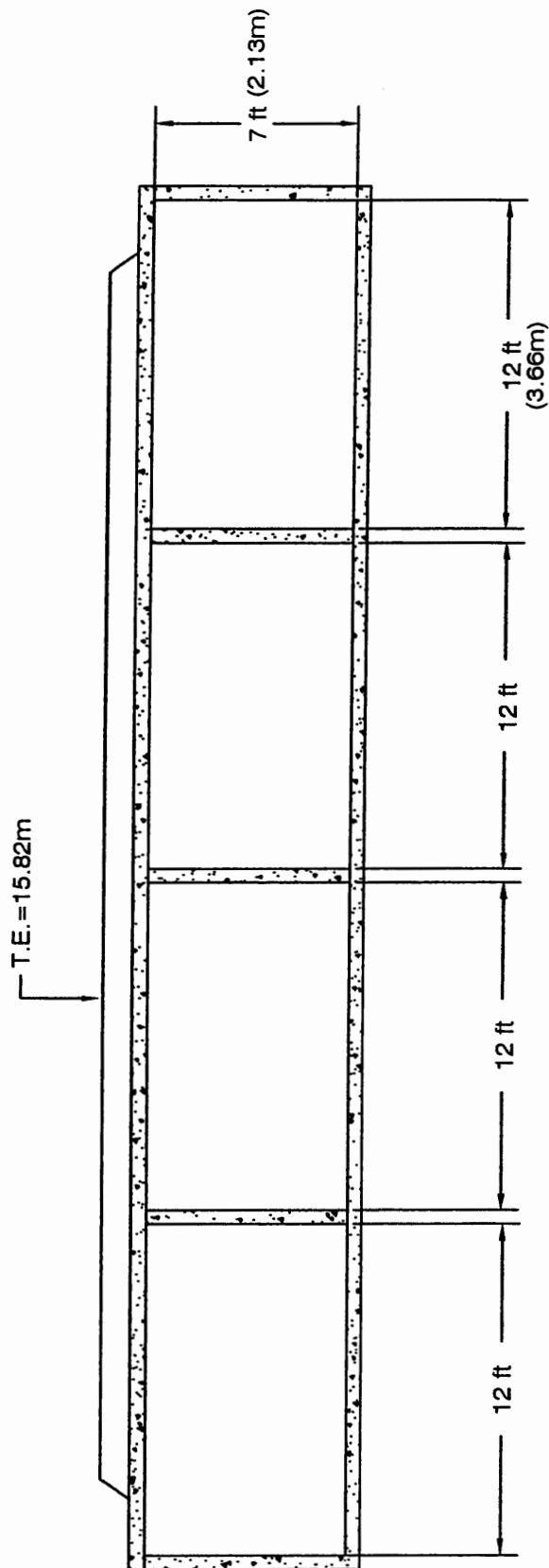
POOL DIMENSION DETAIL  
NOT TO SCALE



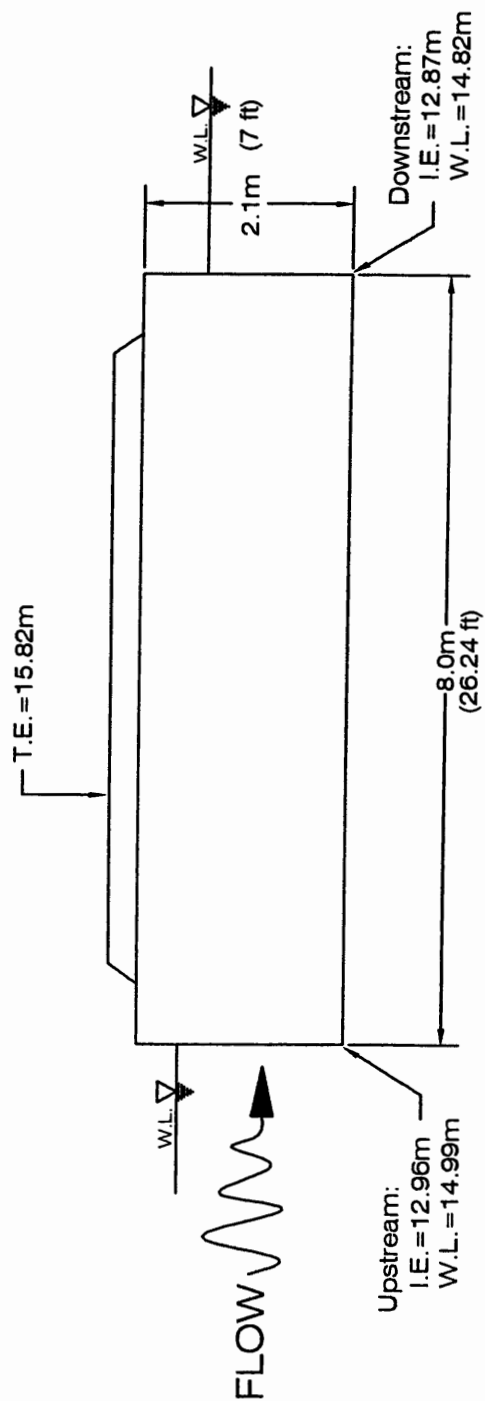
SECTION C-C (PROPOSED TYPICAL RIFFLE)  
NOT TO SCALE

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Figure 6: Proposed Pools at Channel



SECTION A-A



SECTION B-B

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Figure 8: Schematic Design of Proposed Culvert

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Property Limit

Proposed Channel

Existing Alignment  
Quebrada Abad

XS 9

XS 8

XS 7

XS 6

XS 5

XS 4

Figure 11: Cross Sections Location for Existing and Proposed Conditions

Scale 1:2000

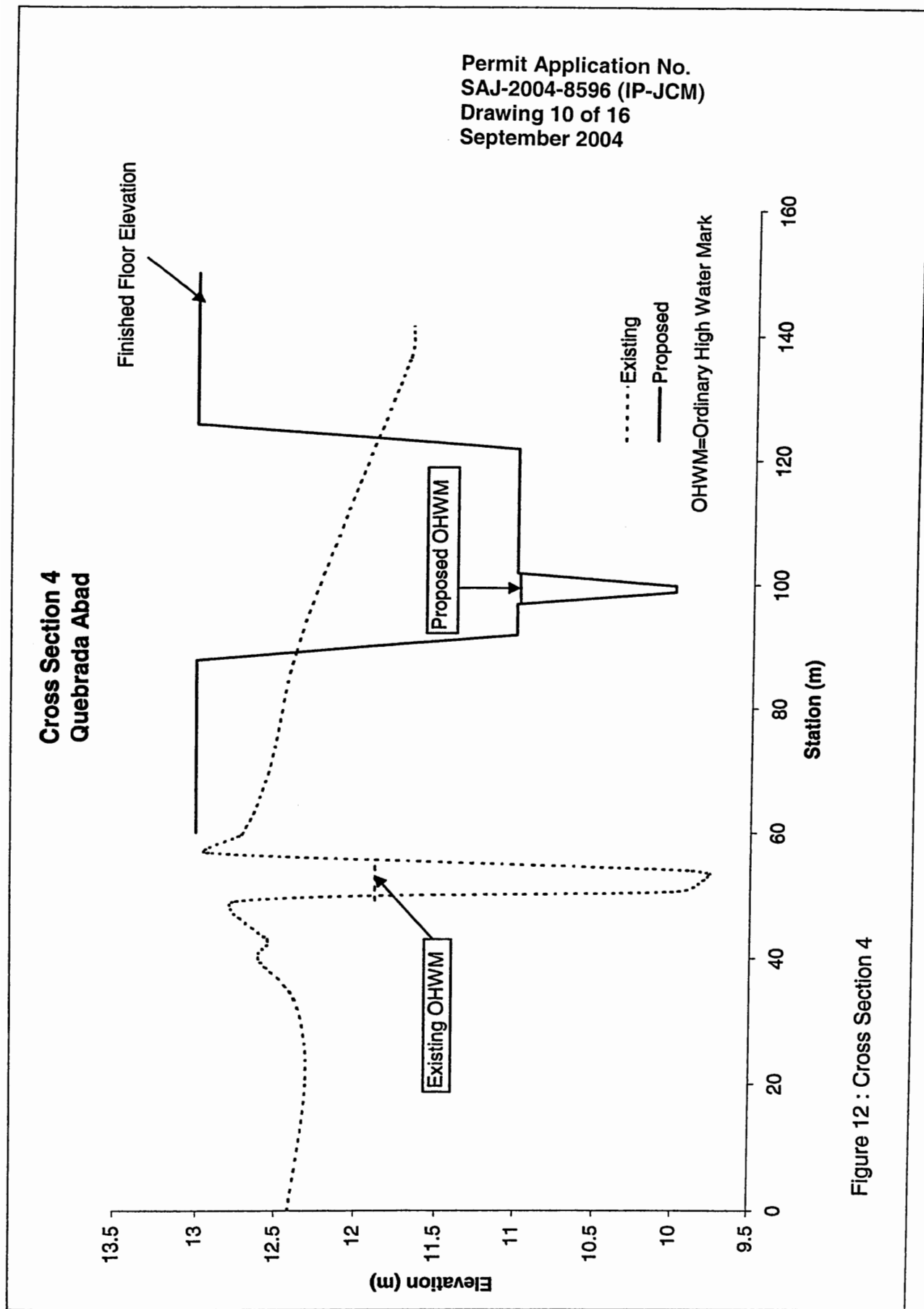


Figure 12 : Cross Section 4

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**Cross Section 5  
Quebrada Abad**

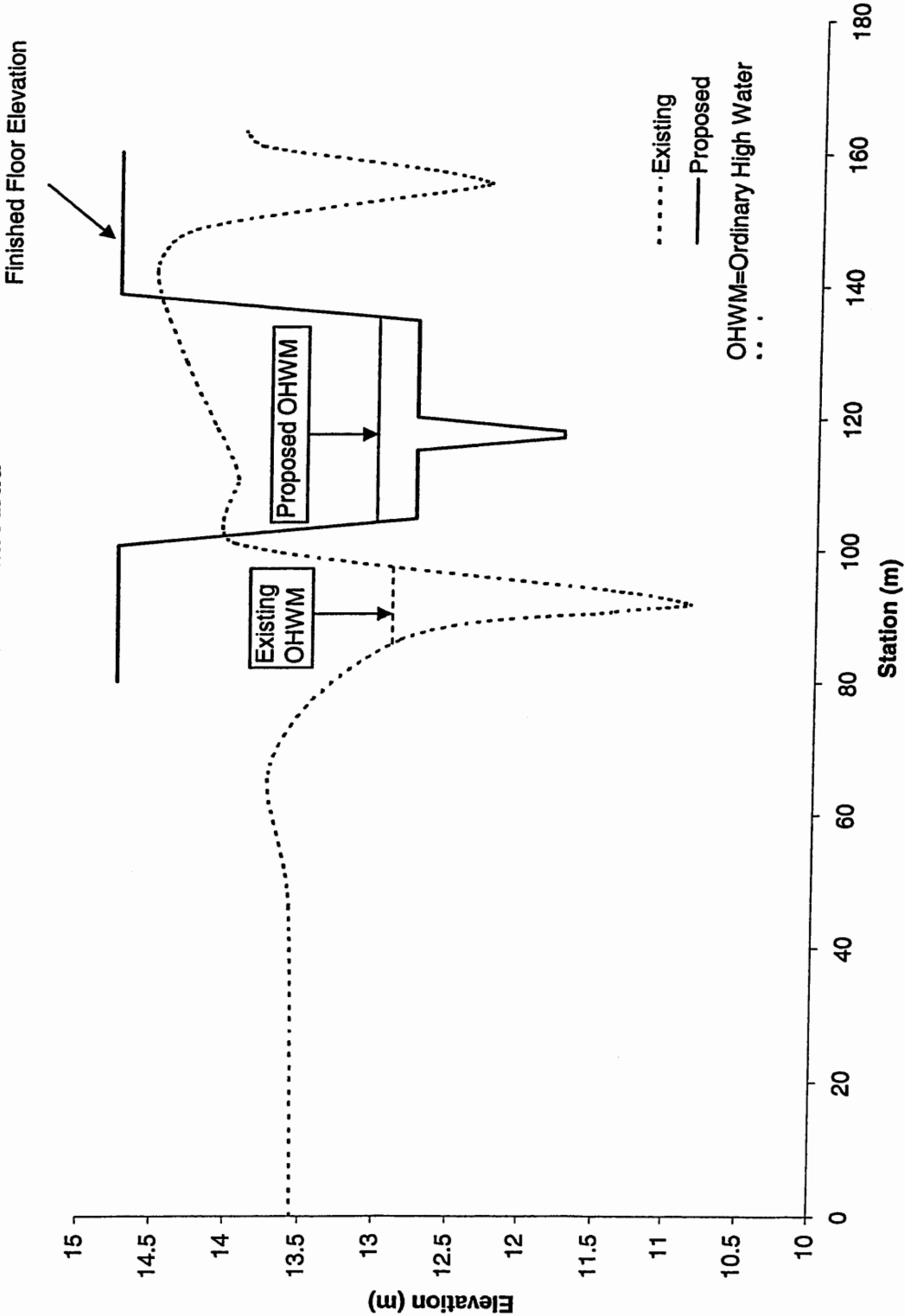


Figure 13 : Cross Section 5



# Cross Section 6 Quebrada Abad

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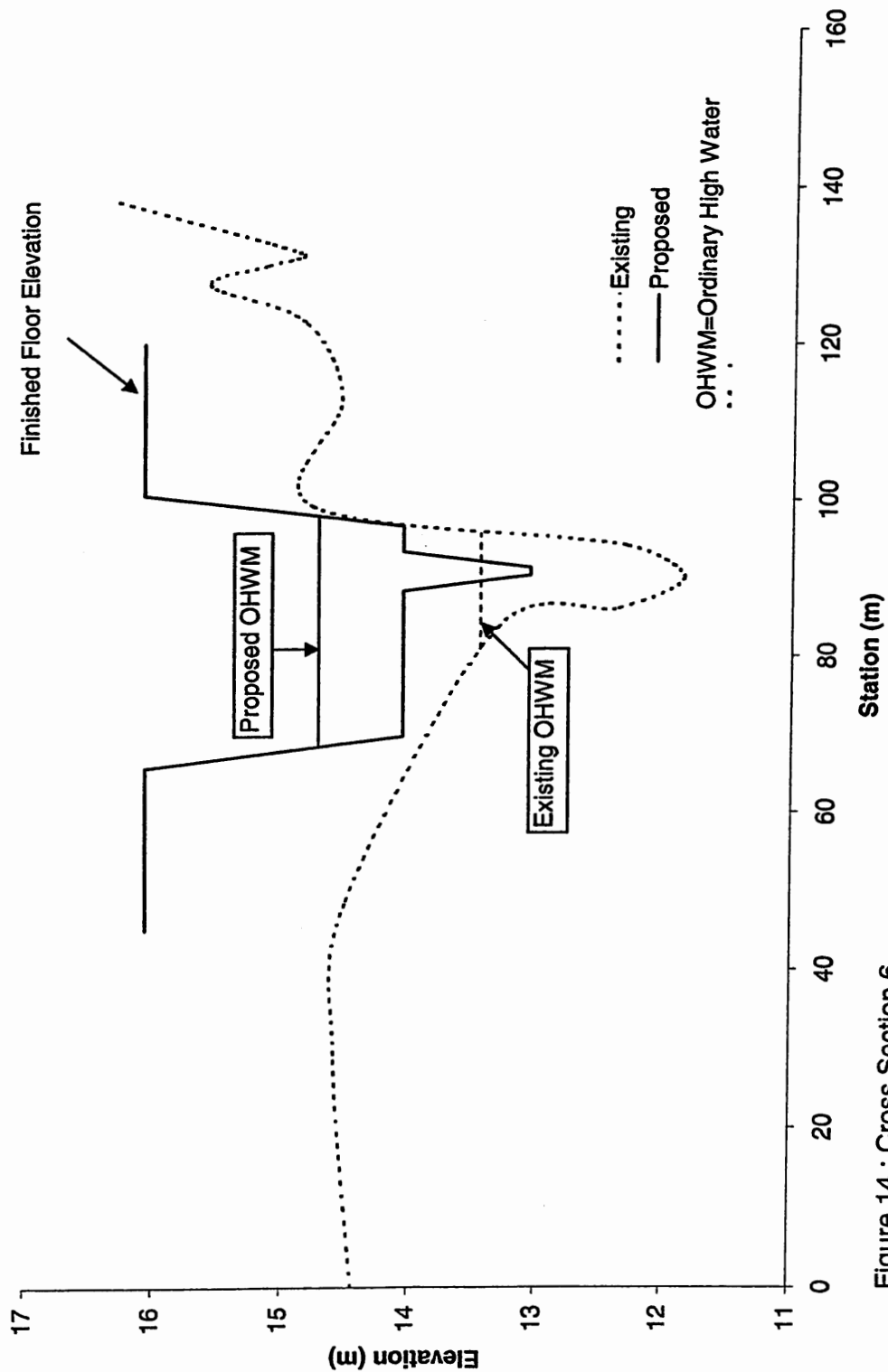


Figure 14 : Cross Section 6

**Cross Section 7  
Quebrada Abad**

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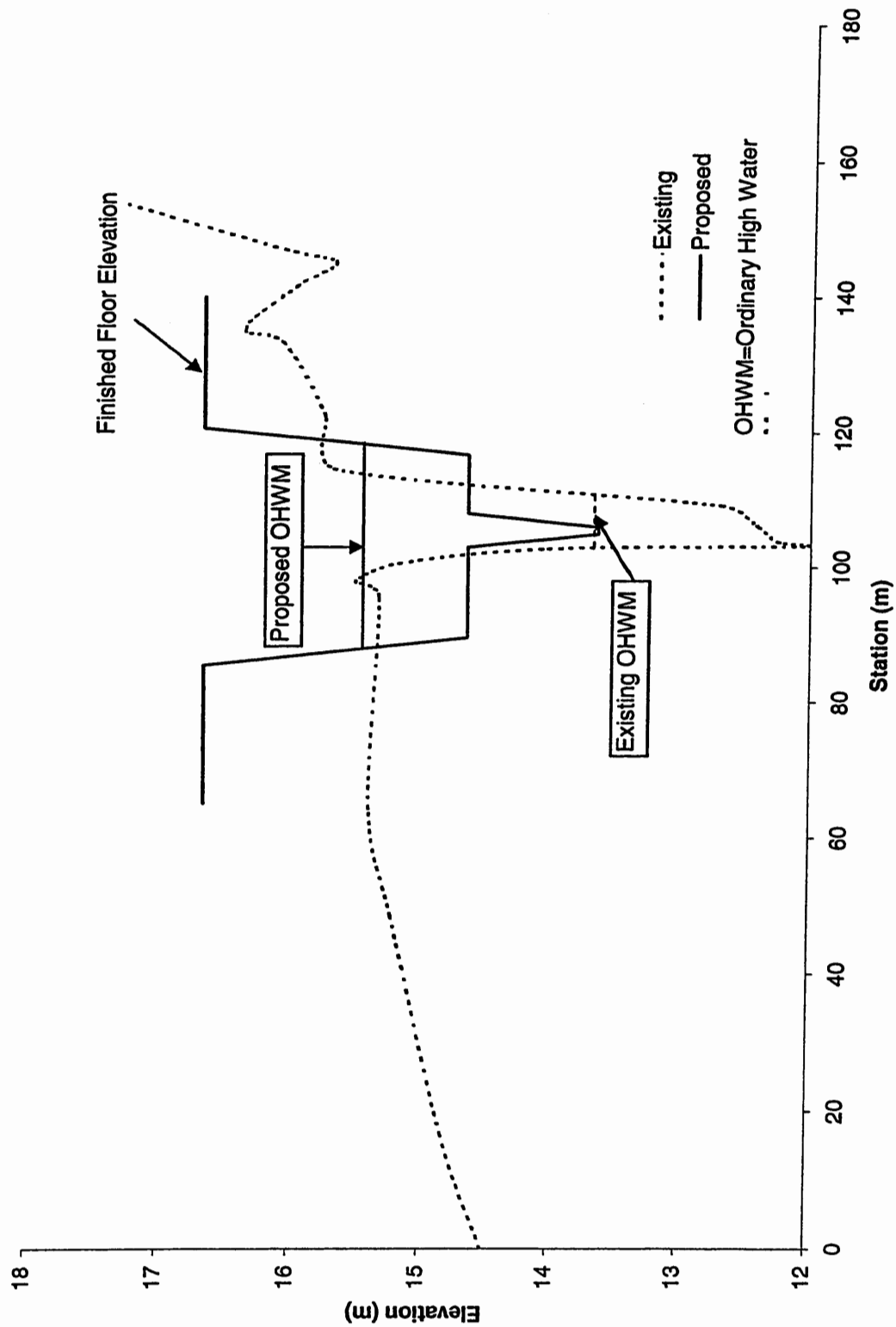


Figure 15 : Cross Section 7

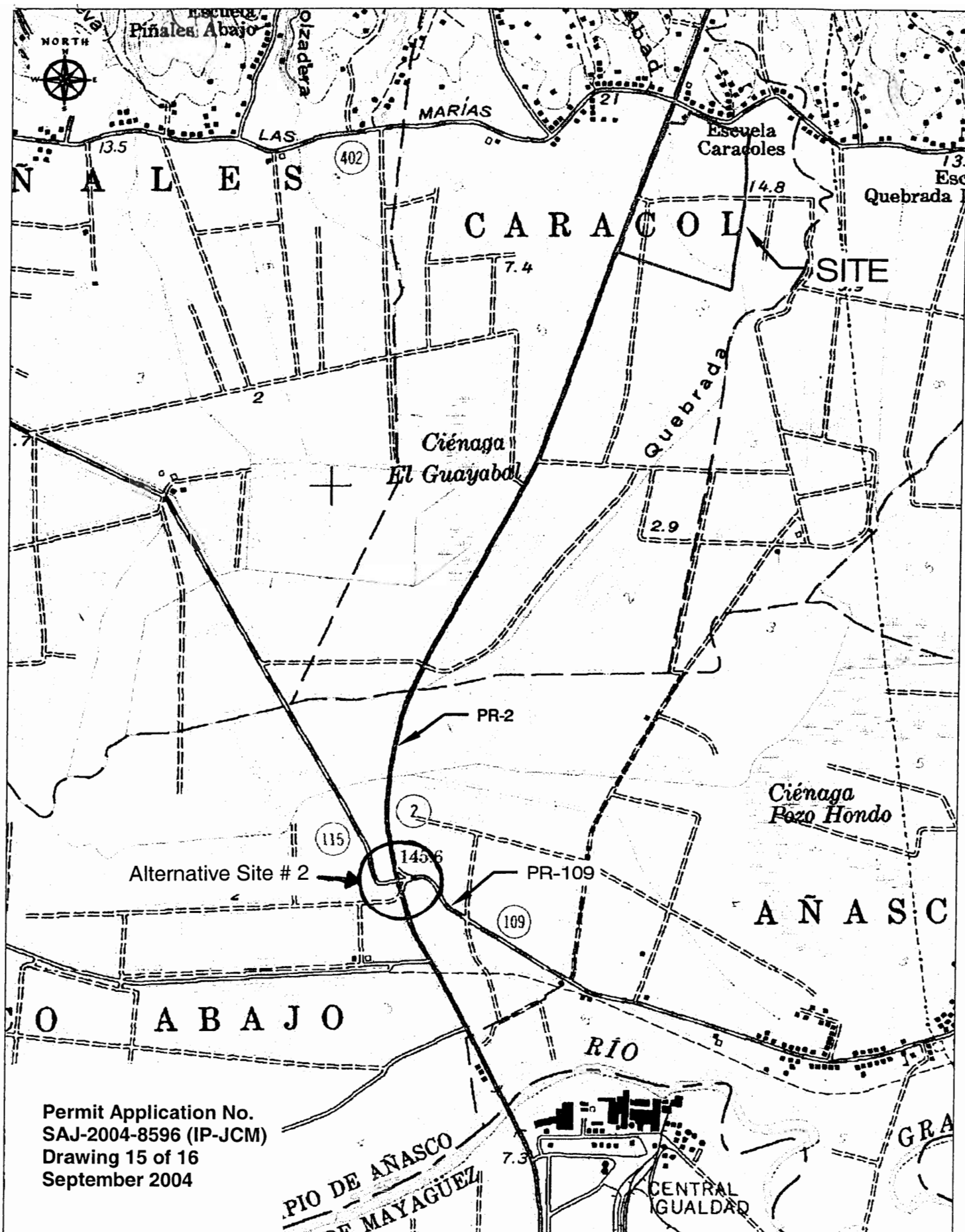


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Intersection of PR-419 & PR-2

Alternative Site # 1

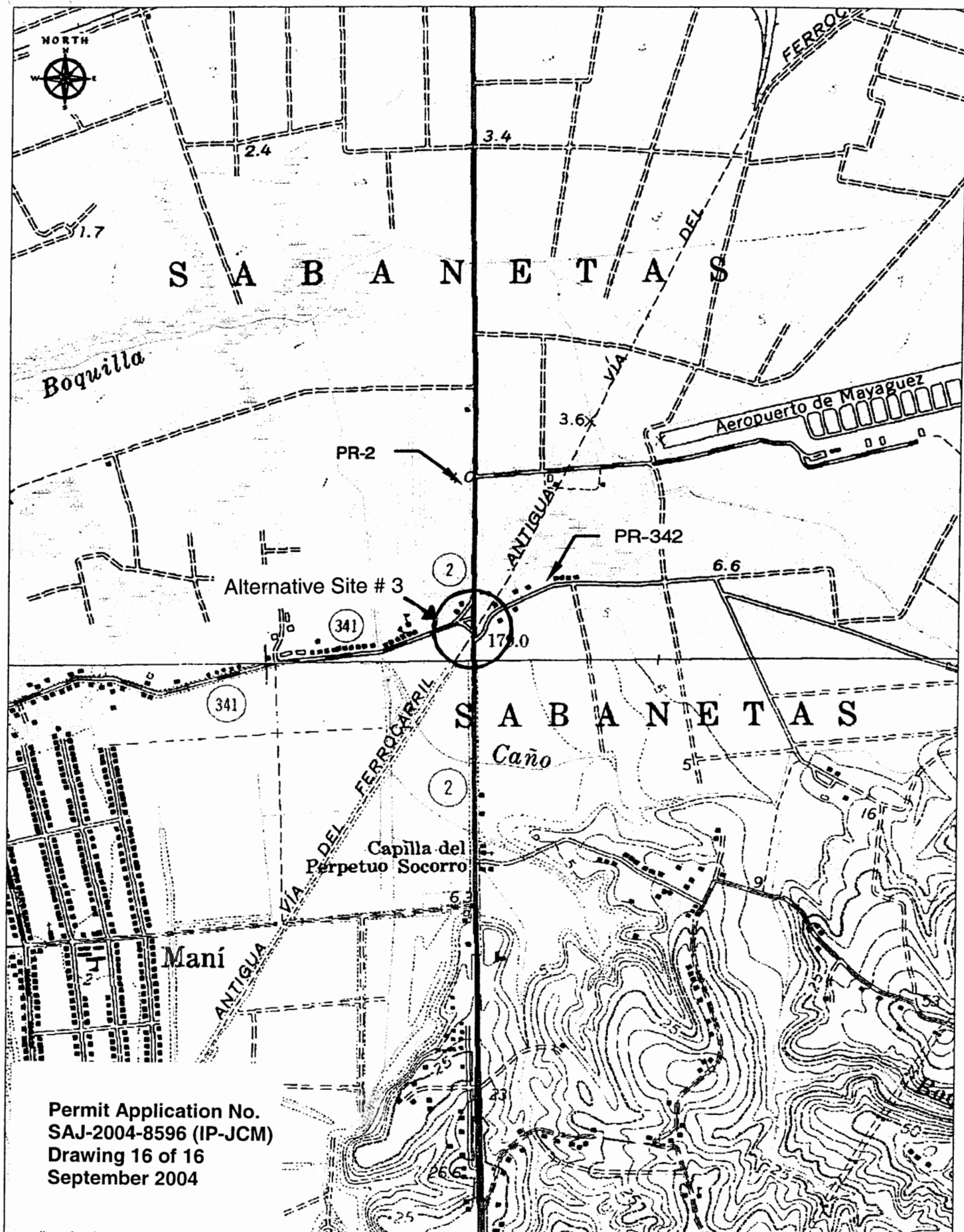
Scale 1: 15,000



Intersection of PR-109 & PR-2

Alternative Site # 2

Scale 1: 15,000



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Intersection of PR-342 & PR-2

Alternative Site # 3

Scale 1: 15,000

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division